

**AMENDMENTS TO THE DRAWINGS**

The attached one sheet of drawings is presented to include an even clearer view of Fig. 1 and replaces the sheet of drawings of record containing Fig. 1.

Attachment: One Replacement Sheet of Drawings

**REMARKS****Summary of the Amendments**

By the foregoing amendment, claim 1 has been amended, whereby claims 1 and 3-7 remain pending. Of the pending claims, claim 1 is independent.

The amendment to claim 1 is in accordance with language suggested by the Examiner during a February 18, 2010 telephone interview wherein the Examiner indicated that amendment of the claims in the manner set forth herein would result in the withdrawal of the rejections of record, and should place the application into condition for allowance subject to further search and consideration. A statement regarding the interview is presented below.

Reconsideration of the rejections of record and allowance of the application are respectfully requested.

**Statement of Interview**

Applicants express appreciation for the courtesies extended by Examiner Lezah W Roberts during a February 18, 2010 telephone interview with Applicants' representative Arnold Turk.

During the telephone interview, Applicants' representative indicated that the Examiner indicated during the October 5, 2009 interview that claim 1, if amended in the manner included in Applicants' Amendment filed October 30, 2009, should be allowable over the prior art of record subject to further search and consideration. Accordingly, Applicants' representative requested clarification as to the rejections set for in the present Office Action. The Examiner indicated that

amendment of claim 1, as presented herein, will remove all of the rejections of record, and that Applicants can include in the statement of the interview that the Examiner indicated that the rejections of record will be withdrawn with allowance of the application subject to further search and consideration.

### **Claim of Priority**

The Cover Page of the Office Action does not clearly confirm the acknowledgment of Applicants' claim of priority. This is to clarify that the Examiner has previously confirmed receipt of the certified copy in this national stage application.

### **Information Disclosure Statement**

Applicants are submitting on even date herewith a Second Supplemental Information Disclosure Statement. The Examiner is requested to include an initialed copy of the Form PTO-1449 submitted with the Second Supplemental Information Disclosure Statement with the next communication from the Patent and Trademark Office.

### **Declaration**

Applicants have submitted on February 26, 2010 a Response to Decision. Accordingly, the application can proceed to allowance.

**Drawings**

The drawings are objected to because the difference between the tooth before the test and after the test cannot be determined because the drawings appear to be too dark.

In response, Applicants submit herewith a replacement sheet of drawings to even more clearly illustrate the figure of drawings. Accordingly, the Examiner is requested to indicate acceptance of the drawings in the next communication from the Patent and Trademark. Moreover, in the absence of a repeating of the objection, it will be evident that the objection to the drawings is withdrawn.

**Response to Rejection Under 35 U.S.C. 112, Second Paragraph**

Claims 1 and 3-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is asserted that, "In the present instance, claim 1 recites the broad recitation "polyphenols", and the claim also recites "including rosmarinic acid" which is the narrow statement of the range/limitation."

In response, Applicants submit that one having ordinary skill in the art would readily understand the scope and content claim 1 prior to the present amendment. However, to advance prosecution of the application to allowance, and without expressing any agreement or acquiescence with the rejection of record, claim 1 has been amended as suggested by the Examiner during the

above-noted telephone interview, so that the rejection of record should be withdrawn.

Accordingly, this ground of rejection should be withdrawn.

### **Response To Art-Based Rejections**

The following rejections are set forth in the Office Action:

(a) Claims 1, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over in Melman (US 2002/0156130) in view of Oriza (JP 2000-239136).

(b) Claims 3, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over in Melman (US 2002/0156130) in view of Oriza (JP 2000-239136), as applied to claims 1, 4 and 5, and further in view of Zhu (WO 01/17494) and Tagashira et al. (JP409295944).

In response and as has been noted above, Applicants have amended claim 1 in accordance with the Examiner' suggestion at the above-noted telephone interview. Accordingly, the rejections should be withdrawn and the application allowed upon the Examiner's further search and consideration.

Applicants submit that the rejections of record should be withdrawn with respect to the claims pending prior to the instant amendment at least for the arguments presented in Applicants' response filed October 30, 2009, which arguments are incorporated by reference herein as if set forth in their entirety. However, to advance prosecution of the application to allowance, and without expressing any agreement or acquiescence with the rejections of record, claim 1

has been amended as suggested by the Examiner during the above-noted telephone interview, so that the rejections of record should be withdrawn.

Accordingly, withdrawal of the rejections of record with the mailing of the Notices of Allowance and Allowability is respectfully requested.

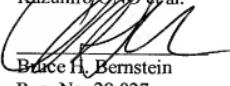
### **CONCLUSION**

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the objections and rejections of record, and allow each of the pending claims.

Applicants therefore respectfully request that an early indication of allowance of the application be indicated by the mailing of the Notices of Allowance and Allowability.

Should the Examiner have any questions regarding this application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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